

## SENATE BILL No. 542

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-1; IC 20-5-62; IC 20-5.5; IC 20-6.1; IC 20-8.1-3-17.5; IC 20-10.1; IC 20-10.2.

**Synopsis:** ISTEP testing. Replaces the ISTEP test program with an assessment program using the Iowa Tests of Basic Skills or the Iowa Tests of Educational Development, as appropriate for the grade level being tested. Repeals a definition and a statute establishing the ISTEP program citizens' review committee.

**Effective:** July 1, 2005.

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**Waterman**

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January 20, 2005, read first time and referred to Committee on Education and Career Development.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 542

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-1-1-6.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) As used in this  
3 section, "board" refers to the state board of education established under  
4 section 1 of this chapter.  
5 (b) As used in this section, "department" refers to the department of  
6 education established under IC 20-1-1.1-2.  
7 (c) As used in this section, "governing body" has the meaning set  
8 forth in IC 20-10.1-1-5.  
9 (d) As used in this section, "plan" refers to an Indiana school  
10 academic plan established under section 6.3 of this chapter.  
11 (e) As used in this section, "program" refers to a professional  
12 development program.  
13 (f) As used in this section, "school" includes the following:  
14 (1) A public school.  
15 (2) A nonpublic school that has voluntarily become accredited  
16 under section 6 of this chapter.  
17 (g) As used in this section, "superintendent" has the meaning set



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1 forth in IC 20-10.1-1-6.

2 (h) A school shall develop a program as a component of a plan  
3 established by the school.

4 (i) The following apply to a program developed under this section:

5 (1) The program must emphasize improvement of student  
6 learning and performance.

7 (2) The program must be developed by the committee that  
8 develops the school's strategic and continuous improvement and  
9 achievement plan under IC 20-10.2-3-1.

10 (3) The program must be integrated with the school's strategic and  
11 continuous improvement and achievement plan developed under  
12 IC 20-10.2-3.

13 (j) A school committee shall submit the school's program to the  
14 superintendent for the superintendent's review. The superintendent:

15 (1) shall review the plan to ensure that the program aligns with  
16 the school corporation's objectives, goals, and expectations;

17 (2) may make written recommendations of modifications to the  
18 program to ensure alignment; and

19 (3) shall return the program and any recommendations to the  
20 school committee.

21 (k) A school committee may modify the program to comply with  
22 recommendations made by the superintendent under subsection (j).

23 (l) A school committee shall submit the program as part of its plan  
24 to the governing body. The governing body shall:

25 (1) approve or reject the program as part of the plan; and

26 (2) submit the program to the board as part of the plan for the  
27 school.

28 (m) The board may approve a school's program only if the program  
29 meets the board's core principles for professional development and the  
30 following additional criteria:

31 (1) To ensure high quality professional development, the  
32 program:

33 (A) is school based and collaboratively designed, and  
34 encourages participants to work collaboratively;

35 (B) has a primary focus on state and local academic standards,  
36 including a focus on Core 40 subject areas;

37 (C) enables teachers to improve expertise in subject  
38 knowledge and teaching strategies, uses of technologies, and  
39 other essential elements in teaching to high standards;

40 (D) furthers the alignment of standards, curriculum, and  
41 assessments; and

42 (E) includes measurement activities to ensure the transfer of

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- 1 new knowledge and skills to classroom instruction.
- 2 (2) A variety of resources, including needs assessments, an
- 3 analysis of data regarding student learning needs, professional
- 4 literature, research, and school improvement programs, are used
- 5 in developing the program.
- 6 (3) The program supports professional development for all
- 7 stakeholders.
- 8 (4) The program includes ongoing professional growth
- 9 experiences that provide adequate time and job embedded
- 10 opportunities to support school improvement and student
- 11 learning, including flexible time for professional development
- 12 that provides professional development opportunities before,
- 13 during, and after the regular school day and school year.
- 14 (5) Under the program, teacher time for professional development
- 15 sustains instructional coherence, participant involvement, and
- 16 continuity for students.
- 17 (6) The program includes effective, research based strategies to
- 18 support ongoing developmental activities.
- 19 (7) The program supports experiences to increase the effective
- 20 use of technology to improve teaching and learning.
- 21 (8) The program encourages diverse techniques, including
- 22 inquiry, reflection, action research, networking, study groups,
- 23 coaching, and evaluation.
- 24 (9) The program includes a means for evaluating the effectiveness
- 25 of the program and activities under the program.
- 26 (n) The board shall approve an evaluation system for professional
- 27 development based on recommendations from the department and the
- 28 professional standards board. The department shall develop a means
- 29 for measuring successful programs and activities in which schools
- 30 participate. The measurements must include the following:
- 31 (1) A mechanism to identify and develop strategies to collect
- 32 multiple forms of data that reflect the achievement of expectations
- 33 for all students. The data may include the results of **ISTEP tests**
- 34 **assessments** under IC 20-10.1-16, local tests, classroom work,
- 35 and teacher and administrator observations.
- 36 (2) A procedure for using collected data to make decisions.
- 37 (3) A method of evaluation in terms of educator's practice and
- 38 student learning, including standards for effective teaching and
- 39 effective professional development.
- 40 (o) A school qualifies for a grant from the department when the
- 41 school's program, developed and submitted under this section, is
- 42 approved by the board upon recommendation of the department. For

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purposes of determining whether a school qualifies for a grant under this chapter, the department shall:

- (1) review;
  - (2) suggest changes to; and
  - (3) recommend approval or rejection of;
- a school's program.

(p) A school must use a grant received under this section to implement all or part of the school's program by funding activities that may include the following:

- (1) Partnership programs with other entities, including professional development schools.
- (2) Teacher leadership academies, research teams, and study groups.
- (3) Workshops, seminars, and site visits.
- (4) Cooperative programs with other school corporations.
- (5) National board certification for teachers.

(q) A school may contract with private or public sector providers to provide professional development activities under this section.

(r) A grant received under this section:

- (1) shall be expended only for the conduct of activities specified in the program; and
- (2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

(s) A school shall report to the department concerning the use of grants received under this chapter. A school that fails to make a report under this section is not eligible for a subsequent grant.

SECTION 2. IC 20-1-1.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) During its onsite evaluation, a review panel shall review the following for a school:

- (1) Teaching practices and administrative leadership in instruction.
- (2) Parental and community involvement.
- (3) Implementation of the ~~ISTEP~~ **assessment** remediation program under IC 20-10.1-17 and the educational opportunity program for at-risk children.
- (4) The homework policy.

(b) In addition to its review under subsection (a), the review panel shall verify compliance with the legal standards for accreditation set out in section 7 of this chapter.

SECTION 3. IC 20-1-1.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, "score" refers to the results of:

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(1) the ~~ISTEP~~ **assessment** program tests described in IC 20-10.1-16; or

(2) a locally adopted assessment program established under IC 20-5-62-6(7).

SECTION 4. IC 20-1-20.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The roundtable shall review and recommend to the board for the board's approval the following:

(1) The academic standards under IC 20-10.1-16 for all grade levels from kindergarten through grade 12.

(2) The content and format of the ~~ISTEP~~ **assessment** program **under IC 20-10.1-16**, including the following:

(A) The graduation examination.

(B) The passing scores required at the various grade levels tested under the ~~ISTEP~~ **assessment** program.

SECTION 5. IC 20-1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. A report must contain the following:

(1) The information listed in section 9 of this chapter for each of the preceding three (3) years.

(2) Additional components determined under section 8(4) of this chapter.

(3) Additional information or explanation that the governing body wishes to include, including the following:

(A) Results of assessments of students under **assessment** programs other than the ~~ISTEP~~ **assessment** program **under IC 20-10.1-16** that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ~~ISTEP~~ **assessment** program.

(B) The number and types of staff professional development programs.

(C) The number and types of partnerships with the community, business, or higher education.

(D) Levels of parental participation.

SECTION 6. IC 20-1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-8.1-15-6).

(3) Attendance rate.

(4) The following test scores, including the number and

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percentage of students meeting academic standards:

~~(A) ISTEP test scores.~~

~~(B) (A) Scores for assessments under IC 20-10.1-16-15, if appropriate. IC 20-10.1-16.~~

~~(C) (B) For a freeway school, scores on a locally adopted assessment program, if appropriate.~~

(5) Average class size.

(6) The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented, if offered.

(E) Remediation.

(F) Limited English language proficiency.

(G) Students receiving free or reduced price lunch under the national school lunch program.

(7) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors diploma program; and

(iii) the percentage of students taking the test.

(8) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(9) The percentage of grade 8 students enrolled in algebra I.

(10) The percentage of graduates who pursue higher education.

(11) School safety, including the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(12) Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.

(B) Average teacher salary.

(C) Remediation funding.

(13) Technology accessibility and use of technology in

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instruction.

(14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-7.5-1-2).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

(19) Other indicators of performance as recommended by the education roundtable (IC 20-1-20.5-3).

SECTION 7. IC 20-5-62-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Notwithstanding any other law, the operation of the following is suspended for a freeway school corporation or a freeway school if the governing body of the school corporation elects to have the specific statute or rule suspended in the contract:

(1) The following statutes and rules concerning curriculum and instructional time:

IC 20-10.1-2-2

IC 20-10.1-4-6

IC 20-10.1-4-7

IC 20-10.1-4-9.1

511 IAC 6-7-6

511 IAC 6.1-3-4

511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4.

(2) The following rules concerning pupil/teacher ratios:

511 IAC 6-2-1(b)(2)

511 IAC 6.1-4-1.

(3) The following statutes and rules concerning textbooks:

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- 1 IC 20-10.1-9-1
- 2 IC 20-10.1-9-18
- 3 IC 20-10.1-9-21
- 4 IC 20-10.1-9-23
- 5 IC 20-10.1-9-27
- 6 IC 20-10.1-10-1
- 7 IC 20-10.1-10-2
- 8 511 IAC 6.1-5-5.
- 9 (4) 511 IAC 6-7, concerning graduation requirements.
- 10 (5) 511 IAC 6-2-1(c)(4), concerning pupil/principal ratios.
- 11 (6) 511 IAC 2-2, concerning school construction and remodeling.
- 12 (7) IC 20-1-1.2, concerning the performance-based accreditation
- 13 system.
- 14 (8) IC 20-10.1-16, concerning the ~~ISTEP~~ **assessment** program
- 15 established under IC 20-10.1-16-8, if an alternative locally
- 16 adopted norm and criterion referenced assessment program is
- 17 adopted under section 6(7) of this chapter.
- 18 SECTION 8. IC 20-5-62-6 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Except as provided
- 20 in this chapter and notwithstanding any other law, a freeway school
- 21 corporation or a freeway school may do the following during the
- 22 contract period:
- 23 (1) Disregard the observance of any statute or rule that is listed in
- 24 the contract.
- 25 (2) Lease school transportation equipment to others for nonschool
- 26 use when the equipment is not in use for a school corporation
- 27 purpose, if the lessee has not received a bid from a private entity
- 28 to provide transportation equipment or services for the same
- 29 purpose.
- 30 (3) Replace the budget and accounting system that is required by
- 31 law with a budget or accounting system that is frequently used in
- 32 the private business community. The state board of accounts may
- 33 not go beyond the requirements imposed upon the state board of
- 34 accounts by statute in reviewing the budget and accounting
- 35 system used by a freeway school corporation or a freeway school.
- 36 (4) Establish a professional development and technology fund to
- 37 be used for:
- 38 (A) professional development; or
- 39 (B) technology, including video distance learning.
- 40 However, any money deposited in the professional development
- 41 and technology fund for technology purposes must be transferred
- 42 to the school technology fund established under IC 21-2-18.

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(5) Subject to subdivision (4), transfer funds obtained from sources other than state or local government taxation among any accounts of the school corporation, including a professional development and technology fund established under subdivision (4).

(6) Transfer funds obtained from property taxation and from state distributions among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this subdivision.

(B) This subdivision does not allow a school corporation to transfer to any other fund money from the:

- (i) capital projects fund (established under IC 21-2-15); or
- (ii) debt service fund (established under IC 21-2-4).

(7) Establish a locally adopted assessment program to replace the assessment of students under the ~~ISTEP~~ **assessment** program established under IC 20-10.1-16-8, subject to the following:

(A) A locally adopted assessment program must be established by the governing body and approved by the department.

(B) A locally adopted assessment program may use a locally developed test or a nationally developed test.

(C) Results of assessments under a locally adopted assessment program are subject to the same reporting requirements as results under the ~~ISTEP~~ **assessment** program **established under IC 20-10.1-16-8.**

(D) Each student who completes a locally adopted assessment program and the student's parent or guardian has the same rights to inspection and rescoring as are set forth in IC 20-10.1-16-7(d).

SECTION 9. IC 20-5-62-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The minimum educational benefits that a freeway school corporation or a freeway school must produce under this chapter are the following:

(1) An average attendance rate that increases:

(A) not less than two percent (2%) each school year until the average attendance rate is eighty-five percent (85%); and

(B) one percent (1%) each school year until the average attendance rate is ninety percent (90%).

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(2) A successful completion rate of the assessment program by meeting essential standards under the ~~ISTEP~~ **assessment** program (~~IC 20-10.1-16~~) **under IC 20-10.1-16** or a locally adopted assessment program established under section 6(7) of this chapter that increases:

(A) not less than two percent (2%) each school year until the successful completion rate is not less than eighty-five percent (85%); and

(B) one percent (1%) each school year until the successful completion rate is not less than ninety percent (90%);

of the students in the designated grade levels under the ~~ISTEP~~ **assessment** program (~~IC 20-10.1-16~~) **under IC 20-10.1-16** or the locally adopted assessment program that are grades contained in the freeway school corporation or freeway school.

(3) Beginning with the class of students who expect to graduate four (4) years after a freeway school corporation or a freeway school that is a high school obtains freeway status, a graduation rate as determined under 511 IAC 6.1-1-2(j) that increases:

(A) not less than two percent (2%) each school year until the graduation rate is not less than eighty-five percent (85%); and

(B) one percent (1%) each school year until the graduation rate is ninety percent (90%).

After a freeway school corporation or a freeway school has achieved the minimum rates required under subdivisions (1) through (3), the freeway school corporation or freeway school must either maintain the minimum required rates or show continued improvement of those rates.

SECTION 10. IC 20-5.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A charter must do the following:

(1) Be a written instrument.

(2) Be executed by a sponsor and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years; and

(B) a fixed number of years agreed to by the sponsor and the organizer.

(6) Provide for:

(A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least

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- one (1) time in each five (5) year period while the charter is in effect; and
- (B) renewal, if the sponsor and the organizer agree to renew the charter.
- (7) Specify the grounds for the sponsor to:
- (A) revoke the charter before the end of the term for which the charter is granted; or
- (B) not renew a charter.
- (8) Set forth the methods by which the charter school is held accountable for achieving the educational mission and goals of the charter school, including the following:
- (A) Evidence of improvement in assessment measures, including ~~ISTEP and Graduation Qualifying Exam~~, **assessments under IC 20-10.1-16**, attendance rates, graduation rates (if appropriate), increased numbers of Core 40 diplomas (if appropriate), and increased numbers of academic honors diplomas (if appropriate).
- (B) Evidence of progress toward reaching the educational goals set by the organizer.
- (9) Describe the method to be used to monitor the charter school's:
- (A) compliance with applicable law; and
- (B) performance in meeting targeted educational performance.
- (10) Specify that the sponsor and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.
- (11) Describe specific operating requirements, including all of the matters set forth in the application for the charter.
- (12) Specify a date when the charter school will:
- (A) begin school operations; and
- (B) have students in attendance at the charter school.
- (13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.
- (14) Specify that records provided by the charter school to the department or sponsor that relate to compliance by the operator with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.
- (15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

SECTION 11. IC 20-5.5-9-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. An annual report under this chapter must contain the following information for a charter school:

- (1) Results of all standardized testing, including ~~ISTEP and Graduation Qualifying Exam~~ **assessments under IC 20-10.1-16.**
- (2) A description of the educational methods and teaching methods employed.
- (3) Daily attendance records.
- (4) Graduation statistics (if appropriate), including attainment of Core 40 and Academic Honors Diplomas.
- (5) Student enrollment data, including the following:
  - (A) The number of students enrolled.
  - (B) The number of students expelled.
  - (C) The number of students who discontinued attendance at the charter school and the reasons for the discontinuation.

SECTION 12. IC 20-6.1-4-17.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.7. The evaluation of a principal's performance may not be based wholly on the ~~ISTEP~~ **assessment** program test scores under IC 20-10.1-16 of the students enrolled at the principal's school. However, the ~~ISTEP~~ **assessment** program test scores under IC 20-10.1-16 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.

SECTION 13. IC 20-6.1-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Each plan:

- (1) must provide for the improvement of the performance of the individuals evaluated;
- (2) must provide for the growth and development of the individuals evaluated;
- (3) must require periodic assessment of the effectiveness of the plan;
- (4) must provide that nonpermanent and semipermanent teachers:
  - (A) receive an evaluation on or before December 31 each year; and
  - (B) if requested by that teacher, an additional evaluation on or before March 1 of the following year; and
- (5) may provide a basis for making employment decisions.

However, the plan may not provide for an evaluation that is based in whole or in part on the ~~ISTEP~~ **assessment** program test scores **under IC 20-10.1-16** of the students in the school corporation.

SECTION 14. IC 20-8.1-3-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.5. (a) A school

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corporation shall record or include in the official high school transcript for each student in high school the following information:

- (1) Attendance records.
- (2) The student's latest **ISTEP assessment** test results under IC 20-10.1-16.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- (4) Immunization information from the immunization record the student's school keeps under IC 20-8.1-7-9.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

SECTION 15. IC 20-10.1-16-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.2. As used in this chapter, "assessment" refers to one (1) of the following tests, as appropriate for the grade level being tested:**

- (1) The Iowa Tests of Basic Skills.**
- (2) The Iowa Tests of Educational Development.**

SECTION 16. IC 20-10.1-16-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.3. As used in this chapter, "assessment program" refers to the test program administered under this chapter.**

SECTION 17. IC 20-10.1-16-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. As used in this chapter, "graduation examination" means the test designated by the state board of education under the **ISTEP assessment** program.

SECTION 18. IC 20-10.1-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall:

- (1) authorize the ~~development and implementation of the Indiana statewide testing for educational progress assessment~~ program; and
- (2) determine the date on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall ~~development~~, implementation and monitoring of the **ISTEP assessment** program.

(c) ~~The department shall prepare detailed design specifications for the ISTEP program that must do the following:~~

- (1) Take into account the academic standards;
- (2) Include testing of students' higher level cognitive thinking in

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~~each subject area tested:~~

SECTION 19. IC 20-10.1-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The purposes of the ~~ISTEP assessment~~ **program developed implemented** under this chapter are as follows:

(1) To assess the strengths and weaknesses of school performance.

(2) To assess the effects of state and local educational programs.

(3) To compare achievement of students in Indiana to achievement of students on a national basis.

(4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:

(A) The overall academic progress of students.

(B) The need for new or revised educational programs.

(C) The need to terminate existing educational programs.

(D) Student readiness for postsecondary school experiences.

(E) Overall curriculum development and revision activities.

(F) Identifying students who may need remediation under IC 20-10.1-17.

(G) Diagnosing individual student needs.

(H) Teacher training and staff development activities.

(b) To carry out the purposes described in subsection (a), each English/language arts and mathematics test developed for use under ~~ISTEP the assessment program~~ must include the following:

(1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.

(2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.

(3) A method of testing and grading that will allow comparison with national and international academic standards.

SECTION 20. IC 20-10.1-16-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.2. General language arts essay scoring rubrics shall be made available to the public by the department at least four (4) months before the administration of a test. ~~An essay question, a scoring rubric, or an anchor paper used in the ISTEP program must comply with the following:~~

~~(1) For an essay question, have a prompt that is taken from:~~

~~(A) a textbook on the state textbook adoption list included in IC 20-10.1-9; or~~

~~(B) a source other than a source listed in clause (A) that is~~

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approved by the ISTEP program citizens' review committee established by section 5.5 of this chapter.

(2) Not seek or compile information about a student's:

(A) personal attitudes;

(B) political views;

(C) religious beliefs;

(D) family relationships; or

(E) other matters listed in IC 20-10.1-4-15(b).

The ISTEP program citizens' review committee established by section 5.5 of this chapter shall determine whether an essay question or a scoring rubric complies with this subdivision.

SECTION 21. IC 20-10.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The scoring of student responses under an ~~ISTEP test~~ **assessment**:

(1) must measure student achievement relative to the academic standards established by the Indiana state board of education;

(2) must adhere to scoring rubrics and anchor papers; and

(3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

(b) This subsection applies to reports of scores in mathematics and English language arts. Reports must:

(1) provide scores indicating student performance relative to each of the academic standards:

(A) established by the Indiana state board of education; and

(B) assessed by the test;

(2) be related to passing scores established by the board; and

(3) contain the information listed in subdivisions (1) and (2) for the following levels:

(A) Individual student.

(B) Classroom.

(C) School.

(D) School corporation.

(E) The state of Indiana.

(c) Reports of student scores must be:

(1) returned to the school corporation that administered the test; and

(2) accompanied by a guide for interpreting scores.

(d) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

(1) Give each student and the student's parent or guardian the student's ~~ISTEP~~ **assessment** scores.

(2) Make available for inspection to each student and the student's

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parent or guardian the following:

- (A) A copy of the essay questions and prompts used in assessing the student.
- (B) A copy of the student's scored essays.
- (C) A copy of the anchor papers and scoring rubrics used to score the student's essays.

A student's parent or guardian may request a rescoring of a student's responses to a test, including a student's essay. No individual's **ISTEP assessment** scores may be disclosed to the public.

(e) After a school receives score reports, the school shall schedule a parent/teacher conference with the following:

- (1) A parent who requests a parent/teacher conference on the scores of the parent's child.
- (2) The parent of each student who does not receive a passing score on the test. The conference must include a discussion of:
  - (A) the student's test scores, including subscores on academic standards; and
  - (B) the proposed remediation plan for the student.

(f) The aggregate results of the **ISTEP assessment** tests shall be compiled by each school corporation in a manner that will permit evaluation of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent or guardian of each student tested under the **ISTEP assessment** program.

(g) The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including **ISTEP assessment** scores, in a manner that a reasonable person can easily read and understand.

(h) The school corporation shall provide the **ISTEP assessment** program test results on a school by school basis to the department upon request.

(i) Upon request by the commission for higher education, the department shall provide **ISTEP assessment** program test results to the commission for those students for whom the commission under 20 U.S.C. 1232(g) has obtained consent.

SECTION 22. IC 20-10.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The state superintendent shall develop an **ISTEP assessment** program testing schedule in which:

- (1) each student in grades 3, 6, 8, and 10 must be tested; and

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(2) each student in grade 10 must take a graduation examination. The board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(c) Any decision with regard to a student who is a child with a disability (as defined in IC 20-1-6-1) to participate in testing under this chapter, to receive accommodations in testing materials and procedures, to participate in remediation under IC 20-10.1-17, or to be retained at the same grade level for consecutive school years shall be made in accordance with the child's individualized education program, subject to the **ISTEP assessment** program manual, and federal law.

SECTION 23. IC 20-10.1-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) If a nonpublic school seeks accreditation as authorized under IC 20-1-1-6(a)(5), the governing body of the nonpublic school is entitled to acquire at no charge from the department:

- (1) the **ISTEP assessment** program test; and
- (2) the scoring reports used by the department.

(b) The nonpublic school seeking accreditation must:

- (1) administer the **ISTEP assessment** program test to its students at the same time that school corporations administer the test; and
- (2) make available to the department the results of the **ISTEP assessment** program testing.

SECTION 24. IC 20-10.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, "**ISTEP assessment** program" has the meaning set forth in IC 20-10.1-16.

SECTION 25. IC 20-10.1-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The board shall adopt clear, concise, and jargon free state academic standards that are comparable to national and international academic standards. These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:

- (1) English/language arts.
- (2) Mathematics.

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(3) Social studies.

(4) Science.

For grade levels tested under the **ISTEP assessment** program, the academic standards must be based in part upon the results of the **ISTEP assessment** program.

(b) The department shall do the following:

(1) Distribute the academic standards established under this section to each school corporation for distribution by the school corporation to the parent of each student in the school corporation.

(2) Survey parents of students, members of the business community, representatives of higher education, and educators on the importance and applicability of academic standards.

(c) **ISTEP Assessment** program testing shall be administered in the following subject areas:

(1) English/language arts.

(2) Mathematics.

(3) Beginning in school year 2002-2003, science, in grade levels determined by the board.

(4) Beginning in school year 2003-2004, social studies, in grade levels determined by the board.

SECTION 26. IC 20-10.1-17-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. Notwithstanding the requirements of this chapter, any decisions made with regard to:

(1) attendance in a remediation program;

(2) **ISTEP assessment** program testing; and

(3) the grade level placement;

for a student who is a child with a disability (as defined in IC 20-1-6-1), shall be made in accordance with the individualized education program (as defined in IC 20-1-6-1), state law, and federal law.

SECTION 27. IC 20-10.1-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Readiness testing under this chapter is in addition to **ISTEP assessment** program testing under IC 20-10.1-16.

SECTION 28. IC 20-10.2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A plan:

(1) shall lay out objectives for a three (3) year period; and

(2) must be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

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(1) Attendance rate.

(2) The percentage of students meeting academic standards under the ~~ISTEP~~ **assessment** program (~~IC 20-10.1-16~~): **established under IC 20-10.1-16.**

(3) For a secondary school, graduation rate.

(c) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(e) A plan must note specific areas where improvement is needed immediately.

SECTION 29. IC 20-10.2-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A plan must contain the following components for the school:

(1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.

(2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.

(3) A description and name of the assessments that will be used in the school in addition to ~~ISTEP~~ assessments **under IC 20-10.1-16.**

(4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.

(5) A provision to maximize parental participation in the school, which may include access to learning aids to assist students with school work at home, information on home study techniques, or access to school resources.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers.

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component

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1 listed in subsection (a), the school may substitute those materials for  
2 the component listed in subsection (a).

3 SECTION 30. IC 20-10.2-4-4 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The student  
5 educational achievement fund is established to provide funds to  
6 stimulate and recognize improved student performance in meeting  
7 academic standards under the ~~ISTEP~~ **assessment** program **established**  
8 **under IC 20-10.1-16**. The fund is administered by the department.

9 (b) The fund consists of appropriations from the general assembly.

10 (c) Money in the fund at the end of a state fiscal year does not revert  
11 to the state general fund.

12 SECTION 31. IC 20-10.2-4-6 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The education  
14 roundtable shall recommend to the board a system for awarding and  
15 distributing grants under this chapter. A system recommended under  
16 this section must be based on graduated levels of improvement based  
17 on ~~ISTEP~~ **assessment** program standards **under IC 20-10.1-16** and  
18 other assessments recommended and approved by the education  
19 roundtable.

20 (b) The department shall begin distributing grants during the  
21 2002-2003 school year.

22 SECTION 32. IC 20-10.2-5-1 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The performance  
24 of a school's students on ~~ISTEP~~ **assessments under IC 20-10.1-16** and  
25 other assessments recommended by the education roundtable and  
26 approved by the board are the primary and majority means of assessing  
27 a school's improvement.

28 (b) The education roundtable shall examine and make  
29 recommendations to the board concerning:

30 (1) performance indicators that shall be used as secondary means  
31 of determining school progress;

32 (2) expected progress levels, continuous improvement measures,  
33 distributional performance levels, and absolute performance  
34 levels for schools; and

35 (3) an orderly transition from the performance based accreditation  
36 system to the assessment system set forth in this article.

37 (c) The education roundtable shall consider methods of measuring  
38 improvement and progress used in other states in developing  
39 recommendations under this section.

40 ~~(d) The education roundtable shall make recommendations to the~~  
41 ~~board by June 30, 2000.~~

42 ~~(e) The board shall adopt rules under IC 4-22-2 to implement the~~

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1 ~~recommendations of the education roundtable by January 1, 2001.~~

2 SECTION 33. IC 20-10.2-5-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) In addition to  
4 scores on ~~ISTEP~~ **assessments under IC 20-10.1-16** and other  
5 assessments, the department shall use the performance indicators  
6 developed under section 1 of this chapter and the benchmarks and  
7 indicators of performance in each school corporation's annual  
8 performance report as ~~a~~ secondary means of assessing the improvement  
9 of each school and school corporation.

10 (b) The department shall assess improvement in the following  
11 manner:

12 (1) Compare each school and each school corporation to its own  
13 prior performance and not to the performance of other schools or  
14 school corporations.

15 (2) Compare the actual results in the annual report under  
16 IC 20-1-21 with the benchmarks and indicators of performance  
17 established in the plan for the same school.

18 (3) Compare the results for a school by comparing each student's  
19 results for each grade with the student's prior year results, with an  
20 adjustment for student mobility rate. The roundtable shall make  
21 recommendations concerning the incorporation of a statistical  
22 adjustment for student mobility rates into the results.

23 (4) Compare the results for a school to the state average and the  
24 ninety-fifth percentile level for all assessments and performance  
25 indicators.

26 SECTION 34. THE FOLLOWING ARE REPEALED [EFFECTIVE  
27 JULY 1, 2005]: IC 20-10.1-16-2; IC 20-10.1-16-5.5.

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